



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,807	09/29/2003	Tae-Kyung Kim	02-ASD-272 (EM)	2212

200 7590 10/03/2005

EATON CORPORATION
EATON CENTER
1111 SUPERIOR AVENUE
CLEVELAND, OH 44114

EXAMINER

ROSSI, JESSICA

ART UNIT PAPER NUMBER

1733

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

W3

Office Action Summary	Application No. 10/673,807	Applicant(s) KIM, TAE-KYUNG	
	Examiner Jessica L. Rossi	Art Unit 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: "capsule 20" in the first line of section [0016] on p. 5 should be --capsule 26--

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Admitted Prior Art in the specification of the present application in view of the collective teachings of Amphlett (US 3767211) and Robins (US 3740062).

With respect to claim 1, it appears Applicant is teaching all the limitations of the claimed method for sealing between a plurality of adjoining gaskets disposed between a plurality of structural members being known in the art except the sealant being a capsule of curable viscous sealant that is disposed on one of the gaskets and then squeezed with the structural members to dispense the sealant followed by curing the sealant (p. 2, sections [0002-0005]).

It is known generally in the gasket art, but also specifically in the gasket art as it relates to internal combustion engines, to form a seal between a gasket and another surface by disposing a capsule of curable viscous sealant on the gasket, squeezing the capsule by pressing the gasket and the surface together to dispense the uncured sealant therefrom and curing the sealant, as

Art Unit: 1733

taught by the collective teachings of Amphlett (abstract; column 2, lines 65-68; column 3, lines 39-43) and Robins (abstract; column 1, lines 7-8; column 1, lines 40-50; column 2, lines 5-8; column 3, lines 4-6 and 12-13 and 20-30 and 37-42; column 4, line 22). Such a sealant is preferred over other sealants, such as in-situ dispensed sealants, because it is not as messy or time consuming while also exhibiting a sealing performance that is superior to that of gaskets sealed by other sealants (Robins; column 1, lines 18-27; column 3, lines 37-42).

Therefore, it would have been obvious to the skilled artisan to seal between the gaskets of the Admitted Prior Art by disposing a capsule of curable viscous sealant on the gasket, squeezing the capsule by pressing the gasket and the surface together to dispense the uncured sealant therefrom and curing the sealant because such is known in the art, as taught by the collective teachings of Amphlett and Robins, where such a sealant is not as messy or time consuming as other sealants while also exhibiting a sealing performance that is superior to that of gaskets sealed by other sealants.

Regarding claims 2-4, the collective teachings of Amphlett (column 2, line 65 - column 3, line 4) and Robins (column 2, lines 28-34) teach the capsule comprising a sealant contained in a thin walled semi-rigid container but are not concerned with how the capsule is formed. Therefore, selection of a forming technique would have been within purview of the skilled artisan; it being noted that the claimed technique is well known and conventional in the capsule art.

As for the type of sealant material in the container, it is noted that the collective teachings of Amphlett (abstract; column 2, lines 41-47) and Robins (column 2, lines 22-27) teach a variety of sealants, including elastomeric sealants; therefore, selection of a particular sealant would have

Art Unit: 1733

been within purview of the skilled artisan depending on the material of the gaskets being sealed by the sealant.

Regarding claim 5, Robins teaches such (column 3, lines 42-45).

Regarding claim 6, the collective teachings of Amphlett (column 2, line 65 – column 3, line 4) and Robins (column 1, lines 45-50; column 2, lines 28-31) teach such.

4. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Admitted Prior Art and the collective teachings of Amphlett and Robins as applied to claim 1 above, and further in view of the collective teachings of Walding (US 5853030) and the prior art referred to by Leiszter (US 5149108).

Regarding claims 7-8, the Admitted Prior Art is silent as to a particular configuration for the adjoining gasket surfaces. Selection of a configuration would have been within purview of the skilled artisan; however, it would have been obvious to use interdigitated surfaces, such as tongue and groove, because such is known in the gasket art, as taught by the collective teachings of Walding (Figure 2; column 3, lines 25-35) and the prior art referred to by Leiszter (column 1, lines 15-23).

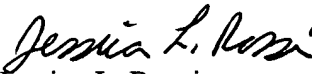
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jessica L. Rossi** whose telephone number is **571-272-1223**. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom G. Dunn can be reached on 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1733

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jessica L. Rossi
Primary Examiner
Art Unit 1733